

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MICHAEL FLOOD, JR., et al.,)	
)	
Plaintiffs,)	
)	2:18-cv-01310
v.)	
)	
DAVID SHERK, et al.,)	
)	
Defendants.)	

ORDER

AND NOW, this 30th day of August, 2019, for the reasons stated in the Court's Opinion of this date, it is hereby ORDERED that Defendant Seneca Valley School District's Motion to Dismiss for Failure to State a Claim (ECF No. 105) is GRANTED. Count III of the Amended Complaint (ECF No. 99) is hereby DISMISSED WITH PREJUDICE, as the Court concludes that any amendment to this Count would be futile.

It is further ORDERED that Counts I and II of the Amended Complaint, as well as the counterclaims filed by the Sherk defendants (ECF No. 109) and the Seaman defendants (ECF No. 111), are DISMISSED WITHOUT PREJUDICE for lack of subject-matter jurisdiction.

It is further ORDERED that the Motions pending at ECF Nos. 122 and 123 are DENIED WITHOUT PREJUDICE AS MOOT.

The Clerk shall close the case.



Mark R. Hornak
Chief United States District Judge

cc: All counsel of record